



LABOR NEWS

ARKANSAS DEPARTMENT OF LABOR

Mike Huckabee, Governor

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James L. Salkeld, Director

ARKANSAS' NUMB₃RS... the Good, the Bad, and the Ugly

Most of us love our state, and for a number of different factors. Some for sentimental reasons...we grew up here and have fond memories. Some have returned here seeking solace after having fought all the traffic and crowding in the big city. And some are just too set in their ways to even think of moving out of state, and are just thankful for our neighboring states that SOMETIMES keep us from being at the bottom of a list of all the other states.

But just what are the numbers? How does Arkansas fare compared to the rest of the United States? To get some idea, we went to the U.S. Census Bureau, who has been crunching numbers since 1790. Their latest numbers come mostly from the year 2000 when they questioned 281,421,906 people in the 50 states and the District of Columbia. The questions included name, sex, age, relationship, Hispanic origin, race, and whether the housing unit was owned or rented. Seventeen percent of the households got much longer questionnaires about ancestry, income, mortgage, and size of their housing.

The following are just a few of their findings concerning Arkansans!

FACTS (as of 2000 unless otherwise indicated)	ARKANSAS	USA
Population, 2003 estimate	2,725,714	290,809,777
Population, percent change 4/2000 to 7/2003	2.0%	3.3%
Population, 2000	2,673,400	281,421,906
Population, percent change, '90 to 2000	13.7%	13.1%
Persons under 5 years old, percent	6.8%	6.8%
Persons under 18 years old, percent	25.4%	25.7%
Persons 65 years old and over, percent	14.0%	12.4%
Female persons, percent	51.2%	50.9%
White persons, percent,	80.0%	75.1%
Black or African American persons, percent	15.7%	12.3%
American Indian and Alaska Native persons, percent	0.7%	0.9%
Asian persons, percent, percent	0.8%	3.6%
Native Hawaiian and Other Pacific Islander, percent	0.1%	0.1%
Persons reporting some other race, percent	1.5%	5.5%

(continued on next page – See Census)



U.S. LABOR DEPARTMENT INTRODUCES NEW USERRA POSTER

The U.S. Department of Labor recently announced that a notice in poster format explaining the rights of employees under the Uniformed Services Employment and Reemployment Rights Act (USERRA) is now available for employers to download. The Veterans Benefits Improvement Act, enacted by Congress in December 2004, mandates that employers provide the notice to "all persons entitled to rights and benefits under USERRA." Employers may meet this obligation by posting the notice in a prominent place where employees customarily check for such information. USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to
(continued on page 3 – see Poster)

(Census – Continued from previous page)

FACTS

	ARKANSAS	USA
White persons, not of Hispanic/Latino origin, percent	78.6%	69.1%
Persons of Hispanic or Latino origin, percent	3.2%	12.5%
Living in same house in 1995 & 2000, age 5+, percent	53.3%	54.1%
Foreign born persons, percent	2.8%	11.1%
Language other than English spoken at home, age 5+	5.0%	17.9%
High school graduates, percent of persons age 25+	75.3%	80.4%
Bachelor's degree or higher, pct. of persons age 25+	16.7%	24.4%
Persons with a disability, age 5+	576,471	49,746,248
Mean travel time to work (minutes) workers 16+	21.9	25.5
Housing units, 2002	1,202,028	119,302,132
Homeownership rate, 2000	69.4%	66.2%
Housing units in multi-unit structures	13.9%	26.4%
Median value of owner-occupied housing units	\$72,800	\$119,600
Households, 2000	1,042,696	105,480,101
Persons per household	2.49	2.59
Median household income, 1999	\$32,182	\$41,994
Per capita money income, 1999	\$16,904	\$21,587
Persons below poverty, percent, 1999	15.8%	12.4%
Private nonfarm establish. w. paid employees, 2001	62,725	7,095,302
Private nonfarm employment, 2001	995,521	115,061,184
Private nonfarm employment, % change 2000-01	0.5%	0.9%
Nonemployer establishments, 2000	152,871	16,529,955
Manufacturers shipments, 1997 (\$1,000)	45,185,963	3,842,061,405
Retail sales, 1997 (\$1,000)	21,643,695	2,460,886,012
Retail sales per capita, 1997	\$8,575	\$9,190
Minority-owned firms, percent of total, 1997	6.7%	14.6%
Women-owned firms, % of total, 1997	22.0%	26.0%
Housing units authorized by bldg. permits, 2002	12,436	1,747,678
Federal funds and grants 2002 (\$1,000)	18,371,896	1,901,247,889
Land area (square miles)	52,068	3,537,438
Persons per square mile	51.3	79.6

ARKANSAS ONLY STATISTICS

SUBJECT	NUMBER	PERCENT
Employed civilian population 16 yrs+	1,173,399	100.0
OCCUPATION		
Management, professional, & related occupations	325,169	27.7
Service occupations	165,701	14.1
Sales and office occupations	294,360	25.1
Farming, fishing, and forestry occupations	17,923	1.5
Construction, extraction, and maintenance occ.	124,033	10.6
Production, transportation & material moving occ.	246,213	21.0
INDUSTRY		
Agriculture, forestry, fishing/hunting, and mining	43,665	3.7
Construction	82,611	7.0
Manufacturing	227,187	19.4
Wholesale trade	38,340	3.3
Retail trade	152,554	13.0
Transportation and warehousing, and utilities	69,611	5.9
Information	25,891	2.2
Finance, insurance, real estate, rental, leasing	56,460	4.8
Professional, scientific, mgmt., admin., waste mgmt.	63,075	5.4
Educational, health, social services	230,491	19.6
Arts, entertainment, recreation, accommodation, food	74,127	6.3
Other services (exc. public admin.)	58,629	5.0
Public administration	50,758	4.3

For more information on their surveys, contact the U.S. Census Bureau or visit their website at www.census.gov

STATE LEGISLATURE'S IMPACT ON LABOR REVIEWED

*by Daniel Faulkner
Attorney, Ark. Dept. of Labor*

The Eighty-fifth General Assembly for the State of Arkansas passed several pieces of legislation that affect Arkansas Department of Labor jurisdiction.

Most changes were technical regulatory matters. Act 1012 of 2005 adjusts the Boiler Inspection Division requirements for periodic internal and external boiler inspections. Act 924 of 2005 changes the Amusement Ride Safety Division requirements pertaining to inspection schedules for artificial climbing walls. These walls now receive an inspection every six months, rather than every time they are set up, similar to the Agency's system for non-mechanized and inflatable attractions. Act 1230 of 2005 changes the hearing structure for the Board of Electrical Examiners. An individual who is subject to a civil money penalty for violations of the State electrical code and licensing law may appeal the penalties to the Board of Electrical Examiners. The prior law required the Board to schedule an automatic hearing date upon fine assessment. This system is similar to existing hearing procedures for child labor penalties.

Additionally, there were two changes to Arkansas child labor laws. Act 939 of 2005 clarifies the permissible hours of employment for 16 and 17 year olds. Before this change, the law was unclear on the permissible hours for nights preceding non-school days. The change clearly allows work after 11:00 p.m. on a night preceding a non-school day and gives the Agency regulatory authority to determine if there are certain jobs that are unsafe during these hours. Act 940 of 2005 creates a narrow

(Continued on next page – See STATE)



IN THE WORKS

✉ Of the 2.8 million youth who graduated from high school in 2004, 1.8 million (66.7%) were in college in October 2004. The enrollment rate of women, 71.6 percent, continued to exceed that of men, 61.4 percent. Asian high school grads (76.0 percent) were more likely than white graduates (68.4 percent) to be enrolled in college. Black and Hispanic or Latino graduates were about equally likely to be in college – 61.1 and 61.9 percent, respectively.

✉ Gains in the 2004 private industry compensation costs for union workers, 5.6 percent, continued to significantly outpace those for nonunion workers, 3.4 percent. Wages and salaries for union workers rose 2.8 percent for the 12 months ended in December 2004, compared with an over-the-year increase of 2.4 percent for nonunion workers. Benefit costs for union workers continued to rise sharply, 10.3 percent, compared with an increase of 6.2 percent for nonunion workers in December 2004.

✉ Japan had the largest increase in manufacturing productivity measured by output per hour in 2003, at 11 percent. The increase in U.S. manufacturing productivity (a 9.7 percent gain) was the second highest. Korea (9.0 percent), Sweden (6.5 percent), and the United Kingdom (5.6), all showed productivity gains of over 5 percent. They were followed by Belgium, Australia, Taiwan, Denmark, Germany, France and then Norway. Productivity was unchanged in Canada and declined in Italy (-1.0 percent.)

✉ There were 17 major work stoppages that began during 2004 and one that continued from 2003, when there were only 14. During the 1950s, the average number of work stoppages was 351.7 a year.

STATE *(contd. from Pg. 2)*

exemption from child labor law requirements for children who serve as referees for youth sporting events.

Other notable legislation includes Act 920 of 2005, which creates the Military Service Protection Act, declaring the right of otherwise qualified persons with military service to be considered without discrimination for employment, property and credit transactions, and voting rights. Act 442 of 2005 repeals an obsolete law prohibiting women from entering a mine to work. Act 1813 of 2005 revises the qualifications for licensure and renewal of license for elevator mechanics, and prohibits non-licensed workers from installing or repairing elevators unless working under the direct supervision of a licensed elevator contractor. Act 2291 of 2005 requires at least 8 hours of continuing education for each National Electric Code cycle as prerequisite for renewal of journeyman and master electrician license.

This article is not a comprehensive list of all changes made by the 85th General Assembly. It is also not as detailed as the actual changes made. All of these changes are effective approximately 60 days after the General Assembly officially adjourns. Any questions about the changes should be directed to the Legal Division of the Arkansas

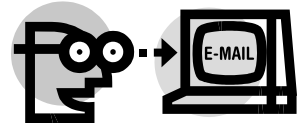
Department of Labor at (501) 682-4504.

POSTER *(contd. from Pg. 1)*

undertake military service. The law also prohibits employers from discriminating against past and present members of the uniformed services and applicants to the uniformed services.

The USERRA poster is now available at www.dol.gov/vets/programs/userra/poster.pdf. Employers can obtain detailed information about USERRA by calling 1-866-4-USA-DOL or by visiting www.dol.gov/vets/programs/userra/.

This is the latest in a series of compliance-assistance efforts undertaken by the Department of Labor to increase employer awareness of USERRA. Others include providing briefings and technical assistance, distributing public service announcements, and publishing proposed USERRA regulations, written in plain English.



Get your Labor News by e-mail. Contact Sharon Adams at sharon.adams@arkansas.gov today!

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PENNIES FROM HEAVEN?

**Well, not exactly!
Pennies...yes! Heaven...no!**

One of the services the Arkansas Department of Labor handles free of charge for the taxpayers of Arkansas is recovering unpaid wages, sick and vacation pay, holiday benefits and commission. Wage claims are also received for shortages, cash advances, damaged property charges, and other unauthorized deductions from employees' wages.

When a claim is received, a notice of wage claim is issued to the employer. The employer may elect to respond by answering one of the choices given on the form and attaching any relevant evidence. After an investigation is conducted by field inspectors, the inspector issues a preliminary wage determination as to the validity of the claim received.

After notification of the preliminary order, a dissatisfied party may then request an administrative hearing. If the claim remains unresolved, it may be forwarded to the Arkansas Department of Labor's Legal Section.

During the 2003-2004 Fiscal Year, our Labor Standards Division collected \$49,401 and the Legal Division collected \$14,089 for 137 wage claimants in Arkansas.

Above is a photo of a \$145.00 wage claim recently paid to the department by one disgruntled employer. While a trash container

of 14,500 pennies is not the usual way we receive a claimant's money, we take it any way we can get it. Fortunately, the bank was happy to exchange the pennies for a certified check made out to the claimant.

AVERAGE COMPENSATION

In December 2004, compensation costs in private industry averaged \$23.90 per hour worked.

<i>Wages and salaries</i>	=	\$17.02
<i>Legally required benefits, i.e.</i>		
<i>Soc. Sec., work. comp.</i>	=	2.08
<i>Insurance benefits</i>	=	1.70
<i>Paid leave</i>	=	1.53
<i>Retirement & Savings</i>	=	0.88
<i>Supplemental pay</i>	=	0.66
<i>Other</i>	=	0.04
TOTAL	=	\$23.90